

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 11, 2001

DIVISION TWO

B140681 Green (Not for Publication)
v.
Board of Retirement of the L.A. County Employees Retirement Association

The judgment is affirmed. Respondent(s) to recover costs.

Todd, J.

We concur: Nott, Acting P.J.
Cooper, J.

[illegible]

The judgment is affirmed.

Todd, J.

We concur: Boren, P.J.
 Cooper, J.

January 11, 2001-Continued

DIVISION THREE (Continued)

B134013 People (Not for Publication)
v.
Martin

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J., Lewin, J. (Assigned) and Jim Guzman, Deputy Clerk.

Each of the following:

B144732 Marlene S. v. S.C.L.A. (D.C.F.S.)
B142949 D.C.F.S. v. Ann Y.
B143278 D.C.F.S. v. Fabian P.
B142993 D.C.F.S. v. Annette C.
B137785 People v. Rendon
B139409 People v. Ramirez
B134577 People v. Ramirez
B141034 People v. Alfred
B146061 In re Alfred on Habeas Corpus
B141244 D.C.F.S. v. Renee M.

Argument waived, cause submitted.

DIVISION FOUR (Continued)

B139261 People
 v.
 Laing

Merits:
Argued by Esther R. Sorkin for appellant and by David A. Voet for respondent. Cause submitted.

B144114 Harvey
 v.
 Superior Court, Los Angeles County
 (People, r.p.i.)

Merits:
Argued by David H. Goodwin for petitioner and by Patrick Brooks for real party in interest. Cause submitted.

B135039 People
 v.
 Salazar

Merits:
Argued by Julie Sullwold Hernandez for appellant and by Stephen A. McEwen for respondent. Cause submitted.

B138107 Gillespie
 v.
 Anderson

Merits:
Argued by Harrison W. Sommer for appellant and by Martin Stein for respondents. Cause submitted.

DIVISION FOUR (Continued)

B144147 Sawyer
 v.
 Superior Court, Los Angeles County
 (Continental Assurance Co., r.p.i.)

Merits:

Argued by Brian S. Kabateck for petitioner and by Robert Keehn for real party in interest. Cause submitted.

B134039 Access Television Network
 v.
 Street Buzz

Merits:

Argued by Alan G. Dowling for appellant and by Lawrence M. Isenberg for respondents. Cause submitted.

B140678 Fritz Transportation International
 v.
 Dragon Claw

Merits:

Argued by Stephen L. Bucklin for appellant and by Mark T. Flewelling for respondent. Cause submitted.

B135475 Seachris
 v.
 Mirabito

Merits:

Argued by Ralph V. Palmieri for appellant and by Thomas E. Duque for respondent. Cause submitted.

Court in recess.

DIVISION FOUR (Continued)

Court reconvened at 1:30 PM.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J., Lewin, J. (Assigned) and Jim Guzman, Deputy Clerk.

B142817 Markarian
 v.
 Lamensdorf Family Trust

Merits:
Argued by John B. Larson for appellant and by J. Arthur Bernal for respondents. Cause submitted.

B134250 Fall
 v.
 Jeffrey

Merits:
Argued by Terry Fall for appellant and by Roxanne Huddleston for respondents. Cause submitted.

B138923 Fryer
 v.
 Kanes

Merits:
Argued by Anthony D. Zinnanti for appellant and by Karl De Costa for respondent. Cause submitted.

B134776 Jones
 v.
 Loewen

Merits:
Argued by Alvin Jones for appellant and by Tony L. Cogliandro for respondents. Cause submitted.

DIVISION FOUR (Continued)

B140078 Seattle's Latte Cafe Inc.
 v.
 The Vons Companies

Merits:

Argued by Susan S. Azad for respondent and waiver of oral argument by appellant. Cause submitted.

B130608 People
 v.
 McClain, Hontiveros & Smith
B140611 In re Smith on Habeas Corpus

Merits:

Argued by Sharon Jones for appellant McClain, by Carlo Andreani for appellant Hontiveros, by Chris R. Redburn for appellant/petitioner Smith and by Stephen A. McEwen for respondent. Cause submitted.

Court adjourned.

B135536 Real Estate Commissioner
 v.
 Milton Katz et al.
 Harlan Helvey et al.

Filed order denying petition for rehearing.

January 11, 2001-Continued

DIVISION FIVE (Continued)

B143480 People (Not for Publication)
v.
Marlene Ann Anderson

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B134276 Edita M. Sumida (Gatdula) (Not for Publication)
v.
George Sumida, Jr.

The order denying wife's claim to an interest in husband's L.A. Times pension plan is reversed and the matter is remanded to the trial court for division of the pension. Wife shall recover her costs on appeal.

Godoy Perez, J.

I concur: Armstrong, J.
I dissent: Turner, P.J. (Opinion)

B130203 Widad Azer (Not for Publication)
v.
Washington Hospital, Inc., et al.

The judgment is reversed. Appellant(s) to recover costs.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

January 11, 2001-Continued

DIVISION FIVE (Continued)

B140420 People (Not for Publication)
v.
Kim De La Peza

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J.

B138464 People (Not for Publication)
v.
Kimberly Fudge

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Coffee, Acting P.J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B136887 Ventura Townehouse, Inc. v. Tri-County Elevator Co., Inc.
B142257 Applied Environmental Technologies v. Kamboj

Argument continued to February, 2001.

DIVISION SIX (Continued)

B142257 Applied Environmental Technologies
 v.
 Kamboj

Merits:

Counsel stipulate that Presiding Justice Gilbert may participate as a panel member in this case. Argued by Holly Metzler Walker for appellants and by Mark R. Stapke for respondent. Cause submitted.

B138302 Buena Vista Mines, Inc.
 v.
 Industrial Indemnity Co.

Merits:

Counsel stipulate that Presiding Justice Gilbert may participate as a panel member in this case. Argued by Claire M. Corcoran for appellants, by Christine A. Hull for respondents Industrial Indemnity Co. and U.S. Fire Insurance Co., and by Melinda W. Ebelhar for respondent Fireman's Fund Insurance Co. Cause submitted.

B138949 Mazzei
 v.
 Radakovich

Merits:

Counsel stipulate that Presiding Justice Gilbert may participate as a panel member in this case. Argued by Jennifer S. Hagemier for appellant, by William H. Cantrell for respondent Radakovich and by Richard D. Williams for respondent Donley. Cause submitted.

DIVISION SIX (Continued)

B141016 Corbin
 v.
 Atascadero State Hospital

Merits:

Counsel stipulate that Presiding Justice Gilbert may participate as a panel member in this case. Argued by John Corbin, appellant in propria persona, and by Mark A. Brown, deputy attorney general, for respondents. Cause submitted.

Court recessed at 10:20 A.M.

Court reconvened at 1:30 P.M.

Present: Yegan, Acting P.J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B134841 People v. Salgado
B138746 People v. Henderson & Hernandez

Argument continued to February, 2001.

Each of the following:

B136451 People v. Yarikov
B140087 People v. Mix

Matter ordered off calendar.

DIVISION SIX (Continued)

Each of the following:

B133866 People v. Silver
B137144 People v. Martinez & Quintero
B137748 People v. Boomhower
B138140 People v. Brezina
B138662 People v. Mosley
B139416 People v. Sanders
B139439 People v. Quinn
B139615 People v. Olney
B140782 People v. Williams
B140930 People v. Lohbauer
B141008 People v. Bao
B141554 People v. Simmons
B141873 People v. Valencia
B142888 People v. Garcia

Argument waived, cause submitted.

B141377 People
 v.
 Hampton

Merits:

Counsel stipulate that Presiding Justice Gilbert may participate as a panel member in this case. Argued by Alexander Lambros for appellant and by Richard T. Breen, deputy attorney general, for respondent via video conference. Cause submitted.

B141438 People
 v.
 Miguel

Merits:

Counsel stipulate that Presiding Justice Gilbert may participate as a panel member in this case. Argued by Gabriele Mezger-Lashly for appellant and by Carol F. Jorstad, deputy attorney general, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B139933 People
 v.
 Bayles

Merits:

Argued by David P. Lampkin for appellant and by John Yang, deputy attorney general, for respondent via video conference. Cause submitted.

B141258 People
 v.
 Johnson

Merits:

Counsel stipulate that Presiding Justice Gilbert may participate as a panel member in this case. Argued by Robert Graham for appellant via video conference and by Roy C. Preminger, deputy attorney general, for respondent via video conference. Cause submitted.

B139881 People
 v.
 Cuevas

Merits:

Counsel stipulate that Presiding Justice Gilbert may participate as a panel member in this case. Argued by Esther Sorkin for appellant and by G. Tracey Letteau, deputy attorney general, for respondent via video conference. Cause submitted.

B138657 People
 v.
 Solis

Merits:

Counsel stipulate that Presiding Justice Gilbert, P.J. may participate as a panel member in this case. Argued by Sylvia W. Beckham for appellant and by Brad D. Levenson, deputy attorney general, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B141426 People
 v.
 Tovar

Merits:

Counsel stipulate that Presiding Justice Gilbert may participate as a panel member in this case. Argued by S.R. Balash for appellant and by Daniel Rogers, deputy attorney general, for respondent via video conference. Cause submitted.

B142641 People
 v.
 Ahumada

Merits:

Argued by J. Patrick Maginnis for appellant and by Thomas C. Hsieh, deputy attorney general, for respondent via video conference. Cause submitted.

B141900 People
 v.
 McMillan

Merits:

Counsel stipulate that Presiding Justice Gilbert may participate as a panel member in this case. Argued by Peter Kossoris, deputy district attorney, for appellant and by Richard B. Lennon for respondent. Cause submitted.

Perren, J. left the bench.

DIVISION SIX (Continued)

B123297 People
 v.
 Dally

Merits:

Counsel stipulate that Presiding Justice Gilbert may participate as a panel member in this case. Argued by Clifford Gardner for appellant and by Sanjay T. Kumar, deputy attorney general, for respondent. Cause submitted.

Court adjourned at 3:45 P.M.

DIVISION SEVEN

B131273 Brezinger et al. (Not for Publication)
 v.
 Tabib et al.

The judgment is affirmed as to plaintiffs' claims based upon breach of contract and intentional infliction of emotional distress. The judgment is reversed as to plaintiffs' claims based upon misrepresentation, non-disclosure, and negligent infliction of emotional distress. Respondents to recover their costs on appeal.

Lillie, P.J.

I concur: Johnson, J.
I dissent: Neal, J. (Opinion)

B137941 Michael Laroue (Not for Publication)
 v.

Board of Professional Engineers and Land Surveyors, et al,

The judgment is affirmed. Respondent to recover its costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B134416 Sanchez et al. (Not for Publication)
 v.
 City of Torrance

The judgment is reversed and the cause is remanded to the trial court for further proceedings. Appellants to receive costs on appeal.

Lillie, P.J.

I concur: Johnson, J.
I dissent: Neal, J. (Opinion)

B122861 Nedwyn Latto and Trudy Latto (Not for Publication)
 v.
 American Golf Corporation et al.

The judgment is reversed and on remand the trial court is directed to deny the defendants' motions for summary judgment and for summary adjudication of issues. Appellants are entitled to costs on appeal.

Lillie, P.J.

I concur: Johnson, J.
I dissent: Neal, J. (Opinion)

B134886 Janice Bird et al. (Certified for Publication)
 v.
 Rolando Saezn et al.

The judgment is reversed and on remand the trial court is directed to deny the defendants' motions for summary adjudication of issues. Appellants are entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B129344 People (Not for Publication)
 v.
 Rodriguez

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B135271 People (Not for Publication)
 v.
 Johnson

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
 Neal, J.

B137083 Berman (Not for Publication)
 v.
 Seal Investment Limited Liability Company

The judgment is affirmed. Seal is entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B139083 People (Not for Publication)
v.
Shyvonne M.
In re Shyvonne M., a Person Coming Under the Juvenile Court Law.

The order under review is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B143537	Fox Searchlight v. Paladino-Wise
B142129	Fox Searchlight v. Paladino-Wise

Filed order consolidating above captioned appeals.